

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

YU LIN,)	
)	
Plaintiff,)	4:05cv3153
)	
vs.)	MEMORANDUM AND ORDER
)	
UNIVERSITY OF NEBRASKA,)	
)	
Defendant.)	

This matter is before the court on filing no. 12, the Motion to Seal or Redact filed by the defendant, the University of Nebraska. The plaintiff, Yu Lin, filed the "Affidavit of Yu Lin" as an attachment to the complaint (filing no. 1). The Affidavit contains confidential information regarding the academic performance of other students at the University. Therefore, the University requests that the Clerk of Court seal or redact the Affidavit.

To comply with the policy of the Judicial Conference of the United States and the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899 (codified at 5 U.S.C. §§ 3701-3707 and scattered sections), the court has prepared local rules incorporating the policies of this court regarding the privacy of certain information included in pleadings, documents, and exhibits filed in the district and bankruptcy courts. See, e.g., NECivR 5.3.

Rule 5.3(d) states that the responsibility for redacting confidential data rests with counsel and the parties. The clerk's office will not review documents for compliance with the rule, seal documents on its own motion or redact documents, whether filed electronically or on paper. Thus, the Clerk of Court will not redact documents on a party's behalf.

However, the defendant is correct that the information in the plaintiff's Affidavit is private, confidential information which should not be made available to the general public. Therefore, filing no. 12 is granted, and the following procedures will be employed: First, the Clerk of Court shall immediately place the "Affidavit of Yu Lin" (attachment to filing no. 1) under seal. Second, the plaintiff shall have until September 15, 2005 to file the same Affidavit but with the names of all other students appearing in the document redacted. The new Affidavit shall be entitled "Amended and Redacted Affidavit of Yu Lin" and shall not be filed under seal because all personal information, i.e., names of other students, will have been redacted from the document. Third, upon the filing of the "Amended and Redacted

Affidavit of Yu Lin,” the Clerk of Court shall strike the sealed filing, i.e., the previous unredacted Affidavit.

SO ORDERED.

DATED this 1st day of September, 2005.

BY THE COURT:

s/ F. A. GOSSETT
United States Magistrate Judge